Insurance Coverage Options for Fresh Produce Growers

Fresh produce growers today face several risks associated with foodborne illness outbreaks. First, consumers affected by these outbreaks can take legal action against growers to claim monetary damages due to illness (also called liability risk). Second, regulators can issue a product recall or warning because of the outbreak, causing a catastrophic drop in sales and damaging the farm's or product's reputation. As foodborne illness outbreaks increase, so does the risk of economic loss. Insurance against economic loss from foodborne illness helps growers safeguard their business operations. With the variety of insurance coverage or policies available, fresh produce growers should understand what policies best cover their farms.

General Farm Liability Insurance Policy

General farm liability insurance typically protects against claims for bodily injury and property damage that occur on the farm premises or as a result of farm operations (IRMI, 2008). These policies cover accidents that affect farmers, employees, guests, and customers.[1] Outlaw (2007) and the New England Small Farm Institute (2008) suggest that these general commercial or farm liability policies are appropriate for growers with pick-your-own operations and on-farm stands. The New England Small Farm Institute (2008) further explains that farm liability insurance covers lawsuits only from activities considered "farming," which is usually defined to include only agricultural production activities and on-farm roadside stands. These policies also typically cover the sale of produce in its raw, unprocessed state, whether sold on-farm or at a farmers' market. The sale of produce grown by another farmer, even if the produce is sold "raw and unprocessed," is not covered under a general farm liability policy.

Commercial Business Liability Insurance

Commercial business liability insurance may be necessary if the grower also undertakes activities that are not considered "agricultural" or "farming" (New England Small Farm Institute, 2008). It works essentially the same way as general farm liability insurance. The insurance is appropriate for growers who have fresh-produce processing facilities. This insurance is also appropriate for growers that sell in farmers' markets or sell more than a certain percentage of products that originate off-farm (New England Small Farm Institute, 2008).

Product Liability Insurance Policy

Many fresh produce growers mistakenly believe that their general farm liability policy protects against claims of injury from contaminated fresh produce that causes foodborne illness. But as Hamilton (1999) explains, this is not generally the case, because the injury usually happens off the farm premises. In this case, a product liability insurance policy is appropriate, as it protects against consumer claims of injury caused by a defective or hazardous product such as contaminated fresh produce. (Holland, 2007). A growing number of retail stores require that food products they carry have a minimum level of product liability coverage (normally a $1 million policy or more). It is important to understand, however, that food product liability insurance strictly covers claims of injured parties and not recall costs.

The cost of food product liability coverage is difficult to estimate. Insurance providers are often reluctant to provide quotes because there is no "standard" premium rate for food products, and the industry is very competitive. Instead, most insurance companies that offer this coverage provide an estimate only when growers submit a detailed description of their product and business operations (production, distribution, and marketing plans). However, an approximate rule of thumb in the industry is around $1,000 per year for a $1 million policy.

Based on an informal survey of insurance providers undertaken in May 1998, Holland (2007) indicates that the annual premiums for food product liability insurance ranged from $500 to $20,000 for a $1 million policy. The average food product liability premium was found to be $3,000 for a $1 million policy. The most significant factors contributing to the premium charged are: level of gross sales or annual payroll, prior claims (claims history), level of coverage, type of product, type of market, and recall plan.

Product Recall Insurance Policy

A product recall insurance policy typically covers only the actual or direct costs of a product recall, such as costs associated with getting the contami-

[1] *Note, however, that this policy does not replace Worker's Compensation insurance and only typically covers activities considered "farming."*

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